

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-2112

BUDI WIJAJA,

Petitioner,

versus

ALBERTO R. GONZALES, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration
Appeals. (A78-728-196)

Submitted: March 14, 2005

Decided: March 28, 2005

Before NIEMEYER, WILLIAMS, and DUNCAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Howard T. Mei, LAW OFFICES OF HOWARD T. MEI, ESQUIRE, Bethesda,
Maryland, for Petitioner. Peter D. Keisler, Assistant Attorney
General, M. Jocelyn Lopez Wright, Assistant Director, Jerome W.
MacLaughlin, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C.,
for Respondent.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Budi Wijaja, a native and citizen of Indonesia, petitions for review of an order of the Board of Immigration Appeals ("Board") affirming the immigration judge's denial of his application for asylum, withholding of removal, and protection under the Convention Against Torture. By prior order, we dismissed the portion of Wijaja's appeal pertaining to his request for asylum.

While we lack jurisdiction to consider the denial of Wijaja's asylum claim, we retain jurisdiction to consider the denial of his request for withholding of removal and relief under the Convention Against Torture. See 8 C.F.R. § 1208.4(a) (2004). "To qualify for withholding of removal, a petitioner must show that he faces a clear probability of persecution because of his race, religion, nationality, membership in a particular social group, or political opinion." Rusu v. INS, 296 F.3d 316, 324 n.13 (4th Cir. 2002) (citing INS v. Stevic, 467 U.S. 407, 430 (1984)). Based on our review of the record, we find that Wijaja failed to meet these standards.

We also find that Wijaja failed to meet the standard for relief under the Convention Against Torture. To obtain such relief, an applicant must "establish that it is more likely than not that he or she would be tortured if removed to the proposed

country of removal." 8 C.F.R. § 1208.16(c)(2) (2004). We find that Wijaja fails to make the requisite showing.

Accordingly, we deny the petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED